

Wilderness

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an R-2 (Two Family Residential) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

Part of the Southwest quarter of Section 14, Township
31 North, Range 12 East, Allen County, Indiana more
particularly defined as follows:

Commencing at the Northeast corner of the Southwest
quarter of Section 14, Township 31 North, Range 12
East; thence North 89 degrees 51 minutes 39 seconds
West along the North line of the said Southwest quarter
of Section 14 a distance of 70.0 feet to the point of
beginning; thence South 00 degrees 00 minutes 00
seconds East (assumed) along a line parallel with and
70 feet West of the East line of the Southwest quarter
of said Section 14 a distance of 2141.62 feet to a
point 20 feet Northwesterly from the Northwesterly
right-of-way line of Interstate Highway #69; thence
South 60 degrees 51 minutes 50 seconds West along a
line parallel with and 20 feet Northwesterly by right
angle measurement from the aforescribed I-69 right-
of-way a distance of 692.09 feet to a point on the East
line of Lot #122 as platted in Rodenbeck's 7th Addition
a subdivision in the aforesaid Section, Township and
Range; thence North 00 degrees 03 minutes 42 seconds
West along the East line of Lots #119 thru 122 and that
line extended a distance of 435.30 feet to the North
right-of-way line of Wolverton Drive (Lots 119 thru 122
have now been vacated); thence South 89 degrees 56
minutes 18 seconds West along the said North right-of-
way line a distance of 140.0 feet to the East right-of-
way line of Rodenbeck Drive; thence North 00 degrees 03
minutes 42 seconds West along the said East right-of-
way line a distance of 2045.24 feet to a point on the
North line of the Southwest quarter of Section 14
aforesaid; thence South 89 degrees 51 minutes 39
seconds West along the said North line, said line being
also the centerline of Ludwig Road, a distance of
817.19 feet to the point of beginning containing 38.72
acres more or less and subject to right-of-way easement
over the North 37.5 feet for Ludwig Road and subject to
all other easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. L-
38, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed

#375

accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet M. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOR SEAL ONLY
SOUTH WORTHINGTON, OHIO
JULY 25, 2010

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Read the first time in full and on motion by Bradbury, seconded by Dadd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock, _____ M., E.S.T.

DATE: 11-22-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 2834

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10/21 '19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Summit Land Investment \$ 250.00
Two Hundred Fifty DOLLARS
400-500 Hillview
Regene, Primary Care Plan

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We WILMER RODENBECK & LAVERNE LINNEMEIER

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~an~~ R1 RESIDENTIAL District to a/~~an~~ R2 RESIDENTIAL District the property described as follows:

SEE ATTACHED LEGAL DESCRIPTION AND SITE PLAN - ALL AREA EXCEPT THE NORTHEAST CORNER AS

INDICATED AS FUTURE PROFESSIONAL OFFICE AREA AND THE 1ST ROW OF LOTS ADJACENT TO RODENBECK

DRIVE (LOTS 1 - 30) SHALL REMAIN R1.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 400 - 500 BLOCK LUDWIG ROAD

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

WILMER RODENBECK

4723 KROEMER ROAD
FORT WAYNE, IN

X Wilmer Rodenbeck

LAVERNE LINNEMEIER

10109 BETHEL ROAD
FORT WAYNE, IN

X Laverne Linnemeier

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

SUMMIT LAND INVESTMENTS, INC.

1120 VALLEY-O-PINE

LEROY LEPLY

FORT WAYNE, IN 46845

219/627-6200

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION

Part of the Southwest quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana more particularly defined as follows:
Commencing at the Northeast corner of the Southwest quarter of Section 14, Township 31 North, Range 12 East; thence North 89 degrees 51 minutes 39 seconds West along the North line of the said Southwest quarter of Section 14 a distance of 70.0 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds East (assumed) along a line parallel with and 70 feet West of the East line of the Southwest quarter of said Section 14 a distance of 2141.62 feet to a point 20 feet Northwesterly from the Northwesterly right-of-way line of Interstate Highway #69; thence South 60 degrees 51 minutes 50 seconds West along a line parallel with and 20 feet Northwesterly by right angle measurement from the aforescribed I-69 right-of-way a distance of 692.09 feet to a point on the East line of Lot #122 as platted in Rodenbecks 7th Addition a subdivision in the aforesaid Section, Township and Range; thence North 00 degrees 03 minutes 42 seconds West along the East line of Lots #119 thru 122 and that line extended a distance of 435.30 feet to the North right-of-way line of Wolverton Drive (Lots 119 thru 122 have now been vacated); thence South 89 degrees 56 minutes 18 seconds West along the said North right-of-way line a distance of 140.0 feet to the East right-of-way line of Rodenbeck Drive; thence North 00 degrees 03 minutes 42 seconds West along the said East right-of-way line a distance of 2045.24 feet to a point on the North line of the Southwest quarter of Section 14 aforesaid; thence South 89 degrees 51 minutes 39 seconds West along the said North line, said line being also the centerline of Ludwig Road, a distance of 817.19 feet to the point of beginning containing 38.72 acres more or less and subject to right-of-way easement over the North 37.5 feet for Ludwig Road and subject to all other easements of record.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

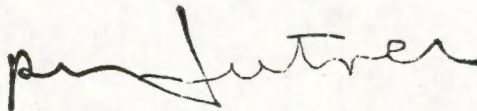
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.

A handwritten signature in dark ink, appearing to read "R. Hutner", written over a horizontal line.

Robert Hutner
Secretary

#375

ORIGINAL

ORIGINAL

DIGEST SHEET

2-58-11-10

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 400 - 500 Block of Ludwig Road

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.

Property will become R-2 - Two Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-88-11-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-1 to R-2

DETAILS

Specific Location and/or Address 400 - 500 Block of Ludwig Road
Reason for Project Development of 144 lots for approximately 188 dwelling units.
Discussion (Including relationship to other Council actions) <u>21 November 1988 - Public Hearing</u> See Attached Minutes of Meeting <u>28 November 1988 - Business Meeting</u> Petitioner submitted a request for withdrawal of this rezoning request and the primary development plan for this project.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Wilmer Rodenbeck Laverne Linnemeier City Department Other
Opponents	Groups or Individuals Nancy Kloha, 816 Ludwig Pk Dr Mike Twidum, 6407 Sharon Dr Basis of Opposition -increase traffic congestion -devalue properties in area -not compatible with existing development
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would allow for a higher density that could be detrimental to area
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 21 October 1988

Projected Completion or Occupancy

Date 30 November 1988

Fact Sheet Prepared by

Date 30 November 1988

Patricia Biancaniello

Reviewed by

Date

Dec. 6, 1988

Reference or Case Number

Public Hearing on Zoning Map Amendment and a Primary Development Plan

- a. Change of Zone #375
From R-1 to R-2
400-500 Block of Ludwig Road

Primary Development Plan - Stonefield

Doug McComb, the project engineer addressed the Primary Development Plan for Stonefield. Mr. McComb stated that they had met with Water Pollution Control Engineering and Street Engineering regarding the questions they had concerning access to the project and storm water retention on the project. He stated that they have found that all of the engineering departments of the city would approve the development with conditions that would be acceptable to the developer. He stated that they certainly know that there is a need to do some retention of water on the property and possibly make some adjustments on their access to Ludwig Road and Washington Center Road, to accommodate apparently a new street design. He stated they possibly have to limit their access to just one on Ludwig Road, where they have a proposed office development to be built at a later date. He stated they have also discussed with traffic engineering access onto Rodenbeck Drive and possibly making some changes to the plat regarding that access. He stated they would like to exclude Lots 1 through 30 and the professional development that is in the northeast corner of the property.

Leroy Lepley, developer of the project appeared before the Commission. Mr. Lepley stated that they are requesting the rezoning to allow for duplexes to be developed on the subject property. He stated that they had met with the community association and presented the plan to them. He stated they have taken the associations comments under advisement. He stated they had also met with the planning staff and have taken their comments under advisement. He stated that this was in previously for a rezoning for condominiums and the petitioner dropped the project. He stated they have reduced the density from the previously submitted plan.

Mel Smith questioned if they intended to do all of the development in one phase. He questioned how long it would take to complete the whole project.

Mr. Lepley stated there would be 3 or 4 phases. He stated they would do about 30 to 40 lots at a time. He stated it would take approximately 5 years to complete the whole project.

Mel Smith questioned what the total height of the tallest building would be.

He stated about 24 foot.

John Shoaff questioned why the duplexes were so important to this project.

Mr. Lepley stated that they felt there was a need for duplexes in the community. He stated that they have a lot of potential buyers for duplexes. He stated that a lot of people are buying duplexes and renting the other half as an income.

Janet Bradbury stated that there are some incentives for doing mixed use developments and questioned if they had explored that possibility with the staff. She stated she would urge them to do so.

Mr. Lepley stated they had not.

Mel Smith questioned if there is a drainage problem on the property.

Mr. McComb stated that he did not want to say there isn't one, but that they have one that can be solved. He stated that they have met with people from the Water Pollution Control Department to discuss the need to control their water runoff. Mr. McComb stated there are problems that have to be considered but none that he felt were a problem, they are fairly typical to any residential development.

Mark Gensic stated that no where on the primary development plan do they indicate any potential area that they intend to use for detention.

Mr. McComb stated that right now where they have indicated existing buildings that ground is also a part of the development and this is the future area for the detention pond.

Mr. Gensic stated that they are shown a plat with none of the detention area shown and they are being asked to make a decision without what he felt was necessary information.

Mr. McComb stated that it is not required to show utilities on a primary. He stated that they had however met with the engineering departments and he felt that they can accommodate any problems that are there.

John Shoaff made a part of the record a petition that had been received in remonstrance to the requested rezoning & primary plan. He stated that the petition had been signed by 227 individuals, representing 142 of the 221 homes in Ludwig Park Addition and by 15 individuals representing 14 of the 22 homes on Ludwig Circle and Ludwig Road.

Nancy Kloha, 816 Ludwig Park Drive, Board Member of the Ludwig Park Community Association, appeared before the Commission. Ms. Kloha stated that some of the objections to the project are based on the fact that the traffic concentration in that constricted

area will add to the hazards, delays, and frustration already experienced by residents as they enter and leave the neighborhood. She stated that knowing the problems created by delays in upgrading St. Joe Road, St. Joe Center Road, State Blvd., Lake Avenue and most of the main arteries in the northeast part of the City and County they felt that local government would surely avoid additional development in the northwest area until road improvements are made. She stated that the proposed development would add 350 to 400 cars to the neighborhood. She stated that there are no traffic lights to facilitate cars leaving and entering the addition. She stated that the streets in Ludwig Park were built while under county jurisdiction and are not 25 feet wide but 20 feet wide. She stated this development would probably cause the property values in the area to decrease and requested the Commission deny the request.

Mike Twidum, 6407 Sharon Drive, appeared before the Commission. He stated that he would request that the Commission deny the requested rezoning. He stated they feel that this development would create an unacceptable density. He stated Ludwig Park has a density of 2 per acre while this development is proposing a 5.5 acre density. He stated that they have concerns about the designs of the roads that they are proposing. He stated that they would have to go through Ludwig Park to get to Washington Center Road since no access would be allowed on Washington Center Road from this project. He stated that for this development to go in initially the detention needs to be one of the first things that goes is developed. He stated that the developer intends to use the property that the existing structures are on for the detention area for runoff. He questioned that since this property is in a life estate was this was practical or possible. He also stated that he felt this project was in conflict with the comprehensive plan. He stated that this project is not compatible with the surrounding area. He further stated that it would seem to be a problem developing something with such a high density in the flight plan of the airport. He stated that it is not the desire of Ludwig Park to be in opposition to every plan that is brought before the Commission and Council. He stated that they would be willing to cooperate with any developer that would see fit to develop the property, but they do have their own interests to worry about. He stated that they would be willing to work with a developer in coming up with a project that would be compatible for the area.

Janet Bradbury questioned if Mr. Twidum had information about no access onto Washington Center Road from Rodenbeck Dr.

Mr. Twidum stated that because it would be too close to the overpassand what is going to be done with I-69 possibly no access would be allowed.

The following people also spoke in opposition to the request:

Mr. Bill Swisher, 904 Pelham Drive

Richard Vaughn, 1400 Orlando Drive
Ralph Batram, 705 Orlando Drive
Levitta Smith, 927 Ludwig Park Drive

these residents echoed the same concerns as previously stated by Ms. Kloha and Mr. Twidum with regard to the traffic, water runoff and the use not be compatible with the area.

In rebuttal Mr. Lepley quoted from the staff report regarding the compatibility of this project: "The General Land Use Policies of the Comprehensive Plan stated that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The Goal in the North Sector, where this request is located is for orderly growth. This proposal is compatible with surrounding land uses and is consistent with the Comprehensive Plan". He stated that they are not proposing an access onto Washington Center Road from Rodenbeck Drive. He stated that this cut shown on the plat is taken from the existing plat. He stated that this cut is not shown on their proposed plat. He stated that at the time Ludwig Park was put in it was in the county and land at that time was fairly cheap and easily developed, therefore they have bigger lots which allows for less density. He stated that to develop that size of lots today is not feasible. He stated that they are in compliance with the lot size as required by the City.

Doug McComb stated that they are aware of the drainage problems and they have discussed them with the city. He stated that they are aware that they will need to retain water on the site. He stated that retaining water on the first phase will be required and that will be accommodated. He stated the best that any developer could offer is that they will design a storm system there that will keep the runoff to that 5 year storm that would be designed for an undeveloped piece of ground. He stated that he felt confident that they could design a storm system that would not make the system any worse than it is presently. He stated he could not offer to make it better.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning or primary development plan.

November 28, 1988

RE: Rezoning of Stonefield Sub-division
from R-1 to R-2, and Development Plan

Fort Wayne Plan Commission

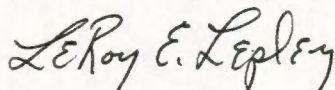
Dear Members:

We are hereby withdrawing our petition for rezoning and sub-division approval at this time due to our meeting with the planning staff.

We are going to re-submit with a new site sub-division plan and rezoning petition based upon planning staff comments received as of this date.

We sincerely appreciate your time and effort which you have given this petition to date.

Respectively,

A handwritten signature in cursive script that reads "LeRoy E. Lepley". The signature is written in dark ink and is positioned above the printed name.

LeRoy E. Lepley
Petitioner

BILL NO. Z-88-11-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City
of Fort Wayne Zoning Map No. L-38

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~ Do Not Pass
Withdrawn

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Mark E. GiaQuinta MARK E. GIAQUINTA
VICE CHAIRMAN

Charles B. Redd CHARLES B. REDD

David C. Long DAVID C. LONG

Paul M. Burns PAUL M. BURNS

CONCURRED IN _____

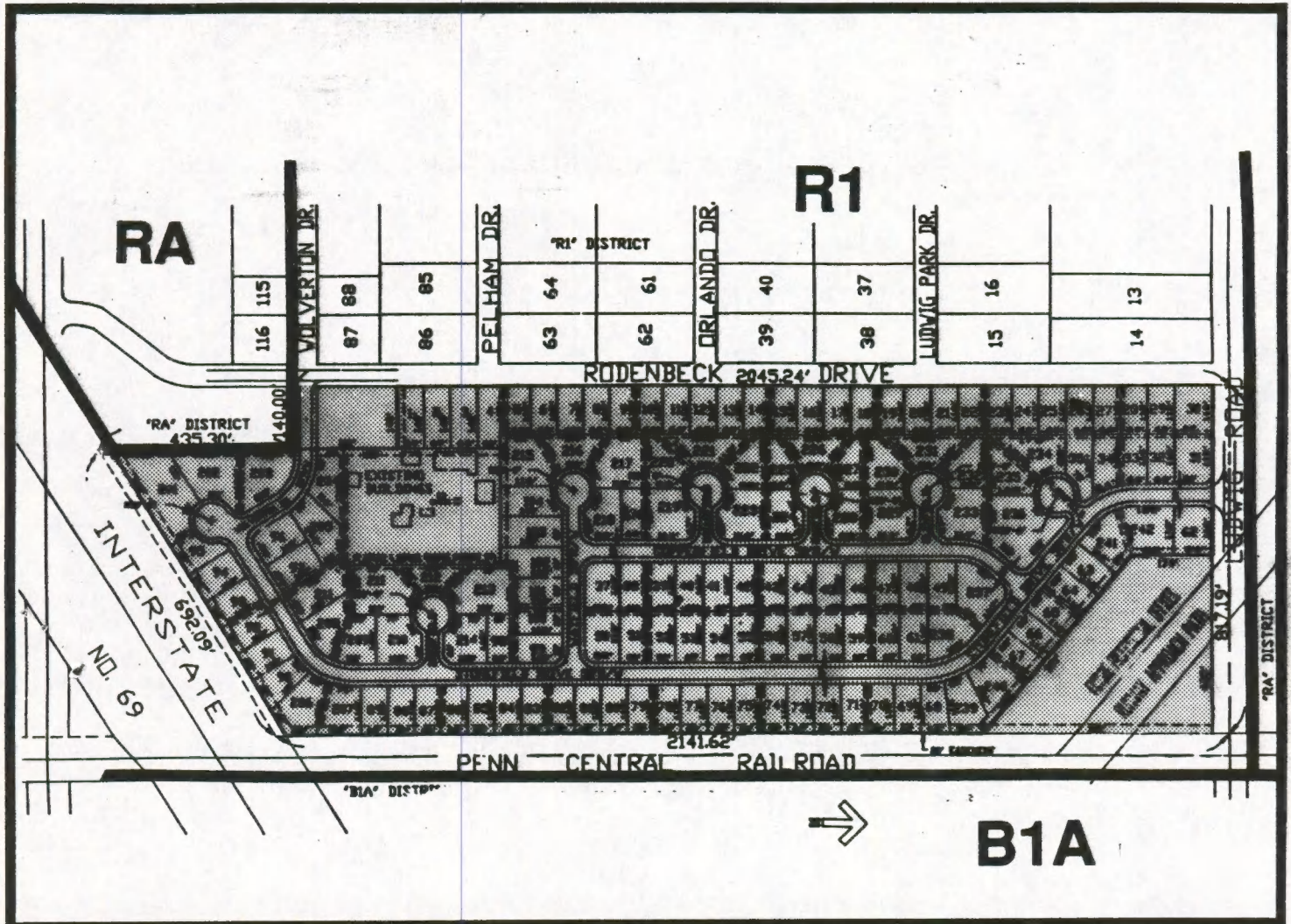
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #375

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A R2 DISTRICT.

MAP NO. L-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

RA RESIDENCE "A"

R1 RESIDENTIAL DISTRICT

B1A LIMITED BUSINESS "A"

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: NTS

DATE: 10-26-88